

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

)
)
UNITED STATES OF AMERICA,)
)
Plaintiff,) CASE NO.: 1:21-cv-00564
)
vs.) JUDGE CHRISTOPHER A. BOYKO
)
)
REAL PROPERTY LOCATED AT)
100 MOUNTAIN VIEW DRIVE,)
MORELAND HILLS, OHIO)
CUYAHOGA COUNTY PERMANENT)
PARCEL NOS: 913-06-001,)
913-06-005, et al.,)
)
Defendants.)
)

**AGREED MOTION FOR EXTENSION OF TIME TO FILE
ANSWER OR OTHERWISE PLEAD AND INCORPORATED
MEMORANDUM OF LAW**

NOW COMES Eyton Senders, on behalf of himself and 100 Mountain View LLC, Corner Green LLC, ES Global Real Estate Holdings LLC, and N. Laurel Avenue Property Holdings LLC (collectively “Claimants”), and hereby respectfully moves for a sixty day extension of time for Claimants to answer or otherwise plead, and in support states as follows:

1. Claimants filed verified claims under seal in this action on April 9, 2021.
2. Pursuant to Rule G(5)(b) of the Supplemental Rules for Certain Admiralty and Maritime Claims, Claimants “must serve and file an answer to the

complaint or a motion under Rule 12 within 21 days after filing the claim.” Accordingly, Claimants are due to file an answer or otherwise plead no later than April 30, 2021.

3. Claimants respectfully seek a sixty-day extension of this deadline to and including June 29, 2021. Claimants submit that the requested extension is in the interests of justice, and will be used in an effort to narrow the scope of issues to be decided by this Court
4. The undersigned counsel contacted Assistant United States Attorney, Henry F. DeBaggis, who stated: “The government will agree to an extension of sixty days from April 30.”

INCORPORATED MEMORANDUM OF LAW

This Court may in its discretion extend the time for filing an answer to a civil forfeiture complaint. *See United States v. \$11,320.00 in United States Currency*, 880 F. Supp. 2d 1310, 1323 (N.D. Ga. 2012); *accord, United States v. \$12,126.00 in United States Currency*, 337 Fed. Appx. 818, *1 (11th Cir. 2009) (“a district court has discretion to extend the filing period...”). In this case, an extension of time will allow the Claimants further time to review the facts and law pertinent to this action, avoid the filing of a motion for a stay at least at this time, and may narrow the issues for resolution before this Court. The Government should suffer no prejudice from the requested extension of time, and in fact has expressly agreed to this allowance.

WHEREFORE, for the foregoing reasons, the Claimants respectfully submit that this Court should grant a sixty-day extension of time to file an answer or otherwise plead to and including June 29, 2021.

Date: April 21, 2021

Respectfully submitted,

/S/ Edmund W. Searby

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CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of April, 2021, I served this Agreed Motion for Extension of Time to File Answer or Otherwise Plead and Incorporated Memorandum of Law on all parties in the case via this Court's CM/ECF system, which will serve a copy on all counsel of record.

/s/ Edmund W. Searby